

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID G. STERN,
Petitioner

v.

CIVIL ACTION NO. 04-10465-NG

DAVID L. WINN,
Respondent

SECOND SUPPLEMENTAL STATUS REPORT

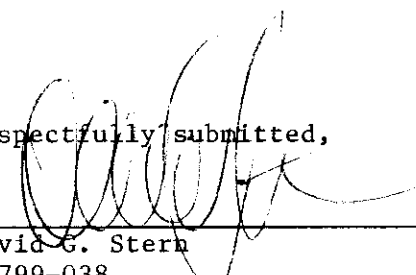
NOW COMES the Petitioner, David G. Stern, in the above entitled action and files this Second Supplemental Status Report.

On September 22, 2004, Petitioner was informed orally by both the Unit secretary and Unit case manager, that his transfer date to community confinement facility has been changed from January 7, 2005 to October 13, 2004. While the Petitioner acknowledges that the foregoing certainly reflects the "good faith" of the Respondent, for which Petitioner is appreciative, the interpretation of the meaning "as soon as possible" for what is a simply administrative procedure, is certainly being stretched to limits of reasonableness. Toward that end, Petitioner requests that the Court direct Respondent to respond forthwith in declaration that October 13, 2004 is the next available date when Petitioner could have been transfered, and that said declaration be filed forthwith.

Further, Petitioner renews his request that this Honorable Court take action on his Motion for Additional Relief, his Motion to Recalculate and his Motion that the Court recommend he be released into home confinement.

In the event that either Respondent does not declare that October 13, 2004 is the next available date, that Petitioner be forthwith released to home confinement in as much as the Court should then find that neither the terms or the intent of its Order is being complied with.

Respectfully submitted,



David G. Stern
23799-038
Federal Medical Center-Devens
P.O. Box 879
Ayer, MA 01432

September 23, 2004

CERTIFICATE OF SERVICE

I, David G. Stern, hereby certify that a copy of the within Second Supplemental Status Report was this day mailed first class mail, postage prepaid to Jeremy Sternberg, AUSA, 1 Courthouse Way, Boston, MA 02210



David G. Stern

September 23, 2004